IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 18439 OF 2005

Date: 05.10.2005

BETWEEN:

Ms. Chitturi Real Estates & Investments Private Limited

Rep. by its Managing Director, Sri Ch.B.S. Subrahmanyam

…. PETITIONER

And

The Vice Chairman, Urban Development Authority,

Visakhapatnam.

…. RESPONDENT

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 18439 OF 2005

ORDER:

The petitioner is a partnership firm. It was allotted a flat bearing HGI-II/155 in Sagar Nagar Housing Scheme by the respondent. The petitioner was required to pay the sale consideration in 52 quarterly instlments at the rate of Rs.7,543/-. After allotting the flat, the same was handed over to the petitioner on 17.9.1991. The petitioner did not pay the instalements regularly in spite of several notices and in spite of informing that action would be taken for cancellation of allotment. As the petitioner did not comply with the requirements, the respondent took possession of the flat and locked on 25.8.2000. Even thereafter, the petitioner did not take any steps. Finally after issuing notice, vide proceedings dated 7.7.2005 the respondent cancelled the allotment made to the petitioner duly forfeiting the amounts paid by him. The proceedings of the respondent dated 7.7.2005 to that effect are assailed in this writ petition.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent Corporation. The learned counsel for the petitioner Sri G. Narasimha Rao

submits that the respondent did not issue any notice before cancelling the allotment and before forfeiting the amounts paid by the petitioner. He would also urge that if reasonable time is granted, the petitioner would pay the balance of amount to the respondent. A reading of the impugned proceedings dated 7.7.2005 would show that the respondent took over the possession of the flat and locked it on 25.8.2000. This is not denied. In spite of the same, the petitioner did not approach the respondent for necessary redressal. The petitioner was issued a final show cause notice on 15.6.2005 and now the petitioner cannot be here to say that he did not receive the same. Indeed the respondent published in Andhra Jyothi daily newspaper dated 17.6.2005, which is sufficient compliance to the principles of natural justice. The respondent authority has followed fair procedure in cancelling the allotment. If the petitioner has any further grievance, he may approach the respondent for redressal. In this writ petition, this Court is not inclined to exercise its discretion in favour of the petitioner.

The Writ Petition is accordingly dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

5th October, 2005

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